

**CarIN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re: Tracey Denise Rinaldi
Debtor**

**Case No. 11-36943-DOT
Chapter 13**

**ORDER GRANTING MOTION FOR
AUTHORITY TO SELL REAL PROPERTY**

This matter comes before the Court on the Debtor's motion for entry of an Order approving the sale of certain real property more specifically described below. In consideration thereof, the Court makes these Findings:

1. Debtor has complied with Local Bankruptcy Rule 6004-1 and the notice provisions required by Local Bankruptcy Rule 6004-2.
2. No parties in interest have filed any timely objection to Debtor's motion.
3. On July 24, 2013, Debtor, doing business as By His Hands, LLC, executed a Purchase Agreement offering to sell real property (the "Sales Agreement") for a sale price of \$30,000.00 to Southside Community Development & Housing Corporation (the "Purchaser"). The real property is more commonly known as 2300 McDonough Street, Richmond, VA 23225 (hereinafter the "Real Property").
4. Upon information and belief, there are no liens on the Real Property.

Julia B. Adair (VSB #45130)
Hathaway Adair, P.C.
3412 Cutshaw Avenue
Richmond, VA 23230
Telephone: 804-257-9944
Counsel for Debtor

5. The legal description is as follows:

ALL those certain lots, pieces or parcels of land, lying and being in the City of Richmond, Virginia, designated as Lots 1, 3, 5, 7, 9, 11 and 13, Block 6, beginning at the southwest corner of McDonough and 23rd Streets, running southwesterly along line of 23rd Street, 198.2 feet, more or less, to boundary line of Southside Co., Inc., Lots 1 to 11, inclusive being 31 feet each and Lot 13 being 12 ¼ feet, more or less, thence northwesterly towards 24th Street, 148 feet to a 14 foot alley along western line of boundary, the width of Lot 13 on the alley about 50 feet, all as shown on plat of Woodland Heights, made by T.C. Redd & Bro., in the year 1909, recorded in the Clerk's Office of the Circuit Court of Chesterfield County, Virginia in Plat Book 3, pages 8 and 9.

BEING the same property conveyed to CDI, LLC, a Virginia limited liability company, by deed from By His Hands, LLC, a Virginia limited liability company, dated October 16, 2007, in the Clerk's Office of the Circuit Court of the City of Richmond, Virginia as Instrument Number 07-0034880.

6. The parties have agreed to close on or about August 26, 2013.
7. The closing agent is Duane Deskevich of Cawthorn, Deskevich & Gavin, P.C., 1409 Eastridge Road, Richmond, VA 23229.
8. Additional closing costs payable by the Debtor including realtor commissions, taxes and recordation fees are estimated to be \$3,112.50.
9. Debtor has incurred additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid at closing without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.
10. After paying the closing costs and attorney's fees, it is estimated that the Debtor will receive approximately \$26,387.50 in net proceeds.
11. It is reasonable and in the interests of justice to waive the 10-day stay of the effect of the instant Order provided for by FRBP 6004(h).

It appearing to the Court to be just and in the best interests of the parties to allow the sale of real property, it is hereby,

ORDERED, that the Debtor's Motion is hereby GRANTED, and it is further

ORDERED, that the Debtor may sell and transfer title to the Real Property to Southside

Community Development & Housing Corporation for a sale price of \$30,000.00, and it is further

ORDERED that the proceeds from the sale of the Real Property are to be applied as follows:

1. Full payment of closing costs, including but not limited to realtors' commissions and recordation costs.

2. Additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid at closing without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.

3. Payment to the Chapter 13 Trustee in the amount of approximately \$21,387.50. Such amount is not sufficient to payoff Debtor's case. Debtor intends to modify her Chapter 13 plan and resume payments to the Trustee.

4. The remaining amount of Debtor's portion of the proceeds estimated to be approximately \$5,000.00 to Debtor. And it is further

ORDERED that the 10-day stay of the effectiveness of the instant Order provided for by FRBP 6004(h) is waived; and it is further

ORDERED that the Clerk shall mail copies of this Order, once entered, to all parties on the attached service list.

Date: _____

United States Bankruptcy Judge

Entered on Docket: _____

[SIGNATURES OF COUNSEL APPEAR ON THE FOLLOWING PAGE]

I ask for this:

/s/ Julia B. Adair

Julia B. Adair (VSB #45130)

Hathaway Adair, P.C.

3412 Cutshaw Avenue

Richmond, VA 23230

Phone: (804) 257-9944

Counsel for Debtor

Seen:

/s/ Carl M. Bates

Carl M. Bates, Esq.

Chapter 13 Trustee

P.O. Box 1819

Richmond, VA 23218

CERTIFICATION

I certify that a copy of this Order has been endorsed by all necessary parties.

/s/ Julia B. Adair

PARTIES TO RECEIVE COPIES

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